GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR&RD - Allegations of irregularities in execution of CPWS Scheme to Medarametla and other habitations of Prakasam District – Disciplinary proceedings against Sri N.Sambasiva Rao, the then Executive Engineer, RWS Division, Ongole, Prakasam District and now working as Executive Engineer, RWS Division, Kovvur, West Godavari District under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991– Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.Rt.No.209 **Dated:03.03.2016**

***

ORDER:

It is proposed to hold an enquiry against Sri N.Sambasiva Rao, the then Executive Engineer, Rural Water Supply Division, Ongole, Prakasam District and now working as Executive Engineer, Rural Water Supply Division, Kovvur, West Godavari District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed as Annexure-II and Annexure-III.

3. Sri N.Sambasiva Rao, the then Executive Engineer, Rural Water Supply Division, Ongole, Prakasam District and now working as Executive Engineer, Rural Water Supply Division, Kovvur, West Godavari District is directed to submit within (10) days of the receipt of this order, a written statement of his defence.

4. Sri N.Sambasiva Rao, the then Executive Engineer, Rural Water Supply Division, Ongole, Prakasam District and now working as Executive Engineer, Rural Water Supply Division, Kovvur, West Godavari District is informed that an enquiry will be held only in respect of article of those charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri N.Sambasiva Rao, the then Executive Engineer, Rural Water Supply Division, Ongole, Prakasam District and now working as Executive Engineer, Rural Water Supply Division, Kovvur, West Godavari District is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Sri N.Sambasiva Rao, the then Executive Engineer, Rural Water Supply Division, Ongole, Prakasam District and now working as Executive Engineer, Rural Water Supply Division, Kovvur, West Godavari District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that N.Sambasiva Rao, the then Executive Engineer, Rural Water Supply Division, Ongole, Prakasam District and now working as Executive

(Contd…P.2/)

Engineer, Rural Water Supply Division, Kovvur, West Godavari District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri N.Sambasiva Rao, the then Executive Engineer, Rural Water Supply Division, Ongole, Prakasam District and now working as Executive Engineer, Rural Water Supply Division, Kovvur, West Godavari District, through the Engineer-in-Chief, Andhra Pradesh, Rural Water Supply & Sanitation, Hyderabad.
The Engineer-in-Chief, Andhra Pradesh, Rural Water Supply & Sanitation, Hyderabad (in duplicate with a request to serve and return the dated acknowledgement copy).

Copy to:
The Genl. Admn. (Vig. & Enf.) Dept. (with reference to Vig. Report No.38 (1064V&E/E2/2013), dt.06.05.2015).
The Secretary to Andhra Pradesh, Vigilance Commission, Hyderabad.
The Panchayat Raj & Rural Development (Estt.I) Department.
S.f./S.c.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE–I

STATEMENT SHOWING THE ARTICLE OF CHARGES FRAMED AGAINST SRI N.SAMBASIVA RAO, THE THEN EXECUTIVE ENGINEER, RURAL WATER SUPPLY DIVISION, ONGOLE, PRAKASAM DISTRICT AND NOW WORKING AS EXECUTIVE ENGINEER, RURAL WATER SUPPLY DIVISION, KOVVUR, WEST GODAVARI DISTRICT.

CHARGE:-

That Sri N.Sambasiva Rao, the then Executive Engineer,, Rural Water Supply Division, Ongole has committed grave irregularities with mala fide intention in as much as, without sanctioning any sub estimate against LS provision of Rs. 4.95 Lakhs, he called for tenders as % tender and without following tender conditions, he has approved the tender for supply of Alum & Bleaching powder with 48.10% excess over rates and also approved a rate of Rs. 34,600/ 1000 Kg for Gas Chlorine through quotations and placed indents against rate of Rs 29.34/Kg in technically approved estimate for "O&M of CPWS Scheme to Medarametla and other habitations of Prakasam District", and thereby caused loss to the Government exchequer.

Basis:-

The General Administration (Vigilance & Enforcement) Department, vide Vigilance Report No.38 (C.No.1064/V&E/E2/2013), dt.06.05.2015, reported that Sri N.Samba Siva Rao, while working as Executive Engineer, Rural Water Supply Division, Ongole, without sanctioning any sub estimate against LS provision of Rs.4.95 Lakhs called for tenders as % tender and as verified the tender document in Schedule A does not contain any quantities or estimate rates. Gas Chlorine item is not included though mentioned in the name of the work in tender notice. The bidder quoted item rates for Alum & Bleaching powder instead of % excess/ less as there are no estimate rates and quantities in Schedule A which in violation of tender conditions. The Executive Engineer has concluded agreement with M/s Madhuri Enterprises for supply of Alum (42177.4 Kgs) and Bleaching Powder (6561.40 Kgs) for an amount of Rs.6,33,704/- against LS provision of Rs.4.95 Lakhs in the approved Estimate. Vigilance & Enforcement officials made calculations to arrive the tender premium allowed in this tender as per the rates adopted in Part A of approved estimate by Superintending Engineer and details are tabulated below:-

Sl No.	Material	Qty as per Agt.	Est Rate in Rs.	Est. Amount in Rs.	Agt. Rate in Rs.	Quoted Amount in Rs.
1	Alum	42177.40	6.80	286806.32	10.98	463107.85
2	Bleaching Powder	6561.40	21.50	141070.10	26.00	170596.40
				427876.42		633704.25

As per the above statement it shows that the excess tender premium is worked out to 48.10% against allowable maximum T.P of 5%. Thus Sri N.Samba Siva Rao, athe the Executive Engineer, Rural Water Supply Division, Ongole accepted tender with 48.10% excess over estimate rates by the SE for the work "Cost & Supply of Bleaching Powder, Alum and Gas Chlorine for water treatment under work O&M of CPWS Scheme to Medarmaetla & other habitations in Prakasam District and violating tender conditions and conditions and guide lines. Further, he approved a rate of Rs.34,600/1000 Kg i.e. 34.60 for Gas chlorine through quotations and placed indents against rate of Rs.29.34/kg provided in technicalluy approved estimate by SE., RWS&S, Ongole, which is 17.92% excess over estimate rate for the work "O&M of CPWS Scheme to Medarametla and other habitations of Prakasam Dist. for the year 2011-12" and also for other schemes in his jurisdiction during the year which caused loss to the Government exchequer. He pretty knows that Alum is being procured at lower rates by the Deputy Executive Engineer, Rural Water Supply & Sanitation, Ongole through k2 Agreements. But Sri N.Samba Siva Rao, the then Executive Engineer, Rural Water Supply Division, Ongole has approved with excess over rates for Alum & Bleaching powder through tenders without following tender conditions which is caused loss to the Government exchequer. From this it is evident that he has shown Gross negligence towards discharging his legitimate duties

(Contd…next Page)

& violated provisions in tender conditions and violated Rule (3) of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1964.

Hence the Charge.

Charge 2:

That Sri N.Samba Siva Rao, while working as Executive Engineer, Rural Water Supply Division, Ongole has committed grave irregularities, in as much as, he, without calling tenders for any O&M works in Prakasam District, has proposed different staff pattern in Part-A & Part-B spells for maintenance of CPWS Scheme to Medarametla and other habitations of Prakasam District for the year 2011-12 thereby causing loss amounting to Rs.1,63,480/- to Government exchequer.

Basis:-

As per the Genl. Admn. (Vig.&Enf.) Dept., vigilance report No.38 (C.No.1064/V&E/E2/2013), dt.06.05.2015, Sri N.Samba Siva Rao, the then Executive Engineer, Rural Water Supply Division, Ongole has proposed different staff pattern in Part-A & Part-B spells for maintenance of CPWS Scheme to Medarametla and other habitations of Prakasam District for the year 2011-12 there the following discrepancies are noted.

1. The estimate was split in to two parts, Part-A from01.04.2011 to 31.07.2011 and Part-B from 01.08.2011 to 31.03.2012. The estimate is prepared on 10.06.2011 by the field officers and technically approved by S.E. on 29.07.2011. The O&M estimates are for the year starting from 1st April to 31st March of next year and the tenders are to be finalized before 31st March of every year as per the guidelines issued and Codal provisions.

2. In Part-A water supply rate is Rs. 2.27/KL including materials such as Bleaching powder, gas chlorination and Alum and in Part-B the water supply rate is worked out to Rs. 0.90/KL excluding cost of the above materials for a demand supply of 4.421 MLD per day as per projected population of the habitations covered. In worked out data, it was observed system staff pattern required for running the plant i.e.labour components taken in both periods are different i.e. Rs.5082/day in Part-A, where as it was worked out to Rs. 3742/day in Part-B. Part-A estimates consists 122 days, thus an undue advantage of Rs.1,63,480/- (122x(5082-3742)) was caused to the contractor during Part-A period i.e. from 01.04.2011 to 31.07.2011.

From this it is evident that he has shown Gross negligence towards his Legitimate Duties and violated Rule (3) of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1964.

Hence, the Charge.

CHARGE 3:

That Sri N. Samba Shiva Rao, the then Executive Engineer, Rural Water Supply Division, Ongole has failed to obtain technical sanction of the estimate "O&M of CPWS Scheme to Medarametla and other habitations of Prakasam District" from the competent authority and made payments to all deviation items without getting approval from the competent authority.

Basis:-

The Vigilance & Enforcement reported that Sri N.Samba Siva Rao, the then Executive Engineer, has not made any efforts for obtaining technical sanction by doing correspondence to his next higher authorities and not taken the technical sanction from competent authority. He made payments to all deviation items without obtaining working estimate from field officers by incorporating these deviations for the work "O&M of CPWS Scheme to Medarametla and other habitations of Prakasam District"

As an Executive Engineer, he should act diligently and guide the field officers for executing the work if deviations find. He should incorporate the deviations and obtain approval from the competent authorities. But he failed to do.

(Contd…next Page)

From this it is evident that he has shown Gross negligence towards his legitimate duties and violated Rule (3) of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1964.

Hence the charge.

CHARGE 4:

That Sri N.Samba Siva Rao, while working as Executive Engineer, Rural Water Supply Division, Podili, has failed to call the tenders and without following any guidelines he has instructed Deputy Executive Engineer, Rural Water Supply & Sanitation Sub Division, Darsi to execute the work "Special repairs, renovation and maintenance of Rural Water Supply & Sanitation Sub Division, Darsi in RWS (P) Division, Podili Est Rs.7.50 Lakhs" which is highly irregular and violation of rules and codal provisions.

BASIS:

As per the General Administration (Vigilance & Enforcement) Department Vigilance Report No.38 (C.No.1064/V&E/E2//2013), dt.06.05.2015, Sri N.Samba Siva Rao, while working as Executive Engineer, Rural Water Supply Division, Podili, has issued orders to Deputy Executive Engineer on 06.12.2013 after retirement of Superintending Engineer on 31.08.2013 without issuing any guidelines for execution of work" a Special repairs renovation and maintenance of Rural Water Supply & Sanitation Sub Division, Darsi in Rural Water Supply (P) Division, Podili Est Rs.7.50 Lakhs" departmentally even though enough time for calling tenders. He paid only 1st and final bill after a completion of work without verifying the procedure adopted in departmental execution and also he has not check measured the work though the value of work is more than Rs.5.00 Lakhs violating Codal provisions. Being an Executive Engineer, Sri N. Samba Siva Rao, while working as Executive Engineer, Rural Water Supply Division, Podili is in-charge for all works in his division and it is primary responsibility to get the works executed / paid as per the codal provisions and rules. But, he failed the same.

From this it is evident that he has shown gross negligence towards his legitimate duties and violated Rule (3) of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1964.

Hence the charge.

Dr.K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

Annexure-II

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI N.SAMBA SIVA RAO, THE THEN EXECUTIVE ENGINEER, RURAL WATER SUPPLY DIVISION, ONGOLE, PRAKASAM DISTRICT AND PRESENTLY WORKING AS EXECUTIVE ENGINEER, RURAL WATER SUPPLY DIVISION, KOVVUR, WEST GODAVARI DISTRICT ARE PROPOSED TO BE SUSTAINED.

From the General Administration (Vigilance & Enforcement) Department, Vigilance Report No.38, dt.06.05.2015.

Dr.K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-III

LIST OF WITNESSES BY WHOM THE ARTICLE OF CHARGES FRAMED AGAINST SRI N.SAMBA SIVA RAO, THE THEN EXECUTIVE ENGINEER, RURAL WATER SUPPLY DIVISION, ONGOLE, PRAKASAM DISTRICT AND PRESENTLY WORKING AS EXECUTIVE ENGINEER, RURAL WATER SUPPLY DIVISION, KOVVUR, WEST GODAVARI DISTRICT ARE PROPOSED TO BE SUSTAINED.

-Nil-

Dr.K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER